

### REMARKS

Claims 1-47 are pending in this application, with claims 1, 13, 16, 29, 31, 32 and 41 being independent. Claims 13, 29, 31, 32, 36, 37 and 41 have been amended, and claims 43-47 have been added. Support for the new claims may be found in the application at least on page 10, line 5 to page 11, line 2. No new matter has been added.

Applicants wish to thank Examiner Beatriz Prieto for the telephone interview on April 5, 2006, the substance of which is incorporated below.

Claim 13 has been objected to for insufficient antecedent basis for the limitation "the out-of-band communication." Applicants have amended claim 13 to address this issue.

Independent claim 1 has been rejected as being unpatentable over Pickup (U.S. Patent Publication No. US 2003/0212791) in view of Brown (U.S. Patent Publication No. US 2002/0078158). Applicants respectfully traverse this rejection.

Independent claim 1 recites a method for facilitating electronic communications that includes, among other features, "in response to an action by an intended communications recipient, receiving an out-of-band communication from a service provider, wherein the out-of-band communication contains information identifying an expected communications sender and the intended communications recipient, and wherein the expected communications sender sends communications to the intended communications recipient over a communication channel other than the channel through which the out-of-band communication was received" (emphasis added). Applicants request reconsideration and withdrawal of the rejection of claim 1 because neither Pickup, Brown, nor any proper combination of the two describes or suggests receiving the recited out-of-band communication from a service provider in response to an action by an intended communications recipient.

Pickup describes a method and system for authorizing e-mail that uses a recipient's list of authorized senders. Pickup describes an e-mail server associated with a recipient that receives an e-mail from an unauthorized sender, compares details of the sender with details contained in a list of authorized senders, and automatically requests that the sender of the unauthorized e-mail provide verification before the e-mail server delivers the e-mail to the recipient. Upon receipt of

the verification, the e-mail server adds the e-mail sender to the list of authorized senders and forwards the e-mail to the recipient. See Fig. 1 and paragraphs 0008-0011 and 0061.

In the Office Action, the Examiner apparently equates the recited "receiving an out-of-band communication" with Pickup's e-mail server receiving an e-mail addressed to the recipient from an unauthorized sender<sup>1</sup>. Notably, Pickup does not describe or suggest that the e-mail received by Pickup's e-mail server from the unauthorized sender, which the Examiner apparently equates to the recited out-of-band communication, is received by the e-mail server "in response to an action by an intended recipient," as claimed. Rather, Pickup's e-mail server receives the e-mail from the unauthorized sender in response to the sender sending the e-mail, not in response to an action by the intended recipient.

Brown does not remedy the failure of Pickup to describe or suggest receiving the recited out-of-band communication from a service provider in response to an action by an intended communications recipient. Brown describes an e-mail messaging system and method for enhanced rich media delivery. The Examiner apparently equates the recited "receiving an out-of-band communication" with Brown's mail server 16, 320 receiving an e-mail addressed to a recipient from a sender 12, 312. Brown does not describe or suggest that the e-mail received by the mail server 16, 320 is received by the mail server 16, 320 "in response to an action by an intended recipient," as claimed. Rather, Brown's mail server 16, 320 receives the e-mail from the sender in response to the sender sending the e-mail, not in response to an action by the intended recipient.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 1.

Claims 2-12, which depend from claim 1, have been rejected as being unpatentable over Pickup in view of Brown and Judge (U.S. Patent Publication Number 2003/0172294). Judge

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<sup>1</sup> Specifically, the Examiner states "Regarding claim 1, Pickup teaches a sender sends communication to the recipient Fig.2 and sending to a recipient said communication (Fig. 2); said communication intended to a recipient contains information identifying a sender, e.g., a sender address [0003]; ..." The Examiner seems to be citing this portion of Pickup in support of the contention that Pickup describes the limitation that "the out-of-band communication contains information identifying an expected communications sender ..." Thus, the Examiner seems to be equating the out-of-band communication with the e-mail sent by the e-mail sender and addressed to the recipient.

does not remedy the failure of Pickup and Brown to describe or suggest receiving the recited out-of-band communication from a service provider in response to an action by an intended communications recipient. Accordingly, for at least the reasons described above, applicants request reconsideration and withdrawal of the rejection of claims 2-12.

Independent claims 13, 16, 29, 31, 32 and 41, along with their dependent claims 14, 15, 17-28, 30, 33-40 and 42, have been rejected as being unpatentable over Pickup in view of Brown, Duvall (U.S. Patent No. 5,884,033) and Paul (U.S. Patent No. 5,999,932).

Independent claim 13, as amended, recites a method of automated white-listing that includes, among other features, "receiving an out-of-band communication from a service provider over an out-of-band communication channel, the out-of-band communication identifying an expected e-mail sender different than the service provider and identifying an intended e-mail recipient and the out-of-band communication being received by a communications service provider associated with the intended e-mail recipient, where communications from the expected e-mail sender are sent over a communication channel other than the channel through which the out-of-band communication was received" (emphasis added). Applicants request reconsideration and withdrawal of the rejection of claim 13, and its dependent claims 14 and 15, because neither Pickup, Brown, Duvall, Paul, nor any combination of the four describes or suggests receiving the recited out-of-band communication from a service provider, the out-of-band communication identifying an expected e-mail sender different than the service provider.

As stated above, the Examiner apparently equates the recited receiving of an out-of-band communication with the receiving of an e-mail by Pickup's e-mail server, the e-mail being sent by the unauthorized sender and addressed to the recipient. The Examiner also equates the sender address information in the e-mail with the recited information contained in the out-of-band communication that identifies the expected e-mail sender. See page 2 of Office Action ("said communication intended to a recipient contains information identifying a sender, e.g., a sender address [0003]"). Accordingly, the Examiner is apparently equating the unauthorized e-mail sender with both the recited service provider from which the out-of-band communication is received and the recited expected e-mail sender identified by the out-of-band communication.

Pickup, however, does not describe or suggest that the e-mail, which identifies the sender of the e-mail and which the Examiner apparently equates to the recited out-of-band communication, is received from a service provider that is different than the sender of the e-mail, which the Examiner apparently equates to the expected e-mail sender.

Brown suffers from a similar deficiency. As stated above, the Examiner apparently equates the recited receiving of an out-of-band communication with the receiving of an e-mail by a mail server 16, 320 that was sent by a sender 12, 312 and addressed to a recipient. For the same reasons described above with respect to Pickup, Brown does not describe or suggest that the e-mail received by the mail server 16, 320, which includes address information that identifies the sender 12, 312 and which the Examiner apparently equates to the recited out-of-band communication, is received from a service provider that is different than the sender 12, 312, which the Examiner apparently equates to the expected e-mail sender.

Duvall and Paul describe message filtering systems. Duvall and Paul do not describe or suggest the feature missing from Pickup and Brown. In particular, Duvall and Paul do not describe or suggest receiving the recited out-of-band communication from a service provider, the out-of-band communication identifying an expected e-mail sender that is a different than the service provider.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 13 and its dependent claims 14 and 15.

Independent claim 16 recites "a method of automatically adding an e-mail address of an e-mail sender to a list of approved e-mail sender addresses associated with an intended e-mail recipient, where the e-mail address of the e-mail sender is provided by a third party service provider sending an out-of-band communication to a communications service provider associated with the intended recipient and where the out-of-band communication is provided in response to an action by the intended e-mail recipient" (emphasis added). For at least the reasons described above with respect to claim 1, neither Pickup, Brown, nor any proper combination of the two describes or suggests the recited method where the e-mail address of the e-mail sender is provided by a third party service provider sending an out-of-band communication in response to an action by the intended recipient. Duvall and Paul do not

remedy the failure of Pickup and Brown to describe or suggest this feature. Accordingly, for at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 16, and its dependent claims 17-28.

Independent claim 29, as amended, recites a system for automatically configuring a white-list communications filter associated with a communications user that includes, among other features, “a communications gateway configured to receive out-of-band communications from one or more authorized service providers, where the out-of-band communication is received over a communication channel and where the out-of-band communication indicates that the communications user should be permitted to receive communications from an expected communications sender over a communications channel other than the channel through which the out-of-band communication was received” and “wherein the out-of-band communication indicates that the communication user should be permitted to receive e-mails from the expected communications sender over an e-mail channel or should be permitted to receive instant messages from the expected communications sender over an instant messaging channel, wherein if the out-of-band communication indicates that the communication user should be permitted to receive e-mails from the expected communications sender, the communications gateway is configured to receive the out-of-band communication over a channel other than an email channel”, and wherein if the out-of-band communication indicates that the communications user should be permitted to receive instant messages from the expected communications sender, the communications gateway is configured to receive the out-of-band communication over a channel other than an instant messaging channel” (emphasis added). Applicants request reconsideration and withdrawal of the rejection of claim 29 and its dependent claim 30 because neither Pickup, Brown, Duvall, Paul, nor any combination of the four describes or suggests the recited communication gateway configured to receive the recited out-of-band communication over a channel other than an e-mail channel if the out-of-band communication indicates that the communication user should be permitted to receive e-mails from the expected communications sender over an e-mail channel.

As stated previously, the Examiner equates the recited out-of-band communication with an e-mail sent by a sender as described in Brown or Pickup. The Examiner acknowledges that

Pickup does not describe or suggest two distinct channels. The Examiner refers to Brown as describing two distinct communications channels –specifically the Examiner refers to Brown as describing an outbound e-mail path 22, which the Examiner equates to a channel, and an inbound e-mail path 38, which the Examiner equates to different channel. See page 3 of Office Action. Both of these communications paths, however, are e-mail paths. Accordingly, Brown does not describe or suggest the recited communication gateway configured to receive the recited out-of-band communication over a channel other than an e-mail channel if the out-of-band communication indicates that the communication user should be permitted to receive e-mails from the expected communications sender over an e-mail channel. Paul and Duvall are similarly deficient.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 29 and its dependent claim 30.

Independent claim 31, as amended, recites a method of facilitating electronic communications that includes, among other features, “receiving an out-of-band communication identifying a first communications user that is expected to send communications to an identified second communications user over a communication channel other than the channel through which the out-of-band communication was received” and “wherein the communications expected to be sent by the first communications user comprise e-mails sent over an e-mail channel or instant messages sent over an instant messaging channel, wherein if the communications comprise e-mails, the out-of-band communication is received over a channel other than an email channel, and wherein if the communications comprise instant messages, the out-of-band communication is received over a channel other than an instant messaging channel” (emphasis added). For at least the same reasons described above with respect to claim 29, applicants request reconsideration and withdrawal of the rejection of claim 31 because neither Pickup, Brown, Duvall, Paul, nor any combination of the four describes or suggests receiving the recited out-of-band communication over a channel other than an e-mail channel if the communications expected to be sent by the communications user identified by the out-of-band communication include e-mails.

Independent claim 32, as amended, recites a method of transactional communications filtering that includes, among other features, “receiving an out-of-band communication identifying an expected communications sender and an intended communications recipient, the out-of-band communication indicating that the expected communications sender should be permitted to send communications to the intended communications recipient for a set transactional period, where the communications are sent over a communication channel other than the channel through which the out-of-band communication was received” and “wherein the out-of-band communication indicates that the expected communications sender should be permitted to send e-mails to the intended communications recipient over an e-mail channel or should be permitted to send instant messages to the intended communications recipient over an instant messaging channel, wherein if the out-of-band communication indicates that the expected communications sender should be permitted to send e-mails to the intended communications recipient, the out-of-band communication is received over a channel other than an email channel, and wherein if the out-of-band communication indicates that the expected communications sender should be permitted to send instant messages to the intended communications recipient, the out-of-band communication is received over a channel other than an instant messaging channel” (emphasis added). For at least the same reasons described above with respect to claim 29, applicants request reconsideration and withdrawal of the rejection of claim 32 and its dependent claims 33-40, because neither Pickup, Brown, Duvall, Paul, nor any combination of the four describes or suggests the recited receiving an out-of-band communication over a channel other than an e-mail channel if the out-of-band communication indicates that the expected communications sender should be permitted to send e-mails to the intended communications recipient over an e-mail channel.

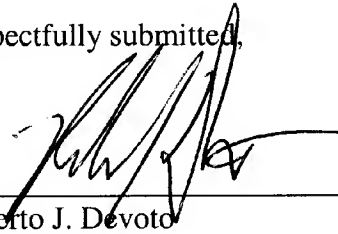
Independent claim 41, as amended, recites a method of facilitating electronic communications between two entities that includes, among other features, “receiving, at a communications service provider associated with an intended communications recipient, an out-of-band communication from an authorized source, wherein the out-of-band communication contains information identifying an expected communications sender different than the authorized source and information identifying the intended communications recipient, where the

expected communications sender sends communications to the intended communications recipient over a communication channel other than the channel through which the out-of-band communication was received" (emphasis added). For at least the reasons described above with respect to claim 13, applicants request reconsideration and withdrawal of the rejection of claim 41, and its dependent claim 42, because neither Pickup, Brown, Duvall, Paul, nor any combination of the four describes or suggests receiving the recited out-of-band communication from an authorized source, the out-of-band communication identifying an expected e-mail sender different than the authorized source.

Applicants submit that all claims are in condition for allowance.

The fee in the amount of \$370.00 in payment for the excess claim fees (\$250.00) and for the Petition for 1-Month Extension of Time fee (\$120.00) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,



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Roberto J. Devoto  
Reg. No. 55,108

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**Customer No.: 26171**  
Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331